

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number <b>Q92553</b>
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number <b>10/563,879</b>	Filed <b>January 9, 2006</b>
	First Named Inventor <b>Masayoshi KOBAYASHI</b>	
	Art Unit <b>2416</b>	Examiner <b>Mohammad S. ANWAR</b>
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number <u>63,241</u></p> <p style="text-align: right;"><u>/ Christopher J. Bezak /</u> Signature</p> <p style="text-align: right;"><u>Christopher J. Bezak</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>September 28, 2009</u> Date</p>		

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q92553

Masayoshi KOBAYASHI

Appln. No.: 10/563,879

Group Art Unit: 2416

Confirmation No.: 7294

Examiner: Mohammad S. ANWAR

Filed: January 9, 2006

For: TRANSPORT LAYER RELAY METHOD, TRANSPORT LAYER RELAY DEVICE,  
AND PROGRAM

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated May 27, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Claims 1-34 are all the claims pending in the application. The various current claim rejections are omitted for the sake of brevity.

**Brief Summary of the Cited References:** Jinzaki et al. (U.S. Patent 7,133,407) is directed to a relay device for relaying data between end devices. *See* Jinzaki, Abstract. Trebes, Jr. (U.S. Pub. 2002/0093980) is directed to a method of providing telecommunications service between first and second elements connected to a telecommunications network. *See* Trebes, Abstract.

**Applicant respectfully submits that claims 1, 8, 15, and 33 would not have been anticipated by Jinzaki.** Claim 1 recites, *inter alia*, "terminating...a first transport layer connection...at a first transmission rate...and a second transport layer connection...at a second transmission rate." However, Jinzaki neither teaches nor suggests this claimed feature because

Jinzaki does not disclose terminating plural transport layer connections at various transmission rates. Instead, Jinzaki merely discloses that a relay device (250) on a transmitting side transmits packets to a relay device (260) on a receiving side at a transmission rate, which is based on packet reception at the receiving side relay device (260). See Jinzaki, col. 35, ll. 1-7. There is no teaching that a relay device in Jinzaki terminates plural transport layer connections at various transmission rates.

To the extent the Examiner's position (see Office Action, p. 2) is based on the assertion that Figure 64 of Jinzaki allegedly teaches the claimed "terminating," Applicant respectfully disagrees. Figure 64 of Jinzaki illustrates a relay device (1200) that receives two channels of video data at IEEE1394 adapter (1201). The video data is divided and converted into IP format and transmitted over the Internet via adapters (1204-1, 1204-2). See Jinzaki, col. 66, ll. 15-21. In a receiving relay device (1214), the divided data is united and relayed to display devices (1215-1, 1215-2) through IEEE1394 adapter (1213). See Jinzaki, col. 66, ll. 47-57. There is no teaching or suggestion that the relay devices (1200, 1214) terminate plural connections of any sort. Instead, the relay devices (1200, 1214) simply relay data between each other. Therefore, Jinzaki fails to teach or suggest the claimed "terminating."

Further, claim 1 recites, *inter alia*, "relaying data flow of said first transport layer connection to said first destination terminal as a first relay connection and data flow of said second transport layer connection to said second destination terminal as a second relay connection to respectively separate said first and second transport layer connections." However, Jinzaki neither teaches nor suggests the claimed "relaying." This is because Jinzaki does not disclose terminating transport layer connections, converting the terminated transport layer connections, and relaying the data of the terminated connections as new connections. Rather, Jinzaki simply relays information between various terminals using a same connection.

To the extent the Examiner's position (see Office Action, p. 2) is based on the assertion that Figures 35 and 69 of Jinzaki allegedly teach the claimed "relaying," Applicant respectfully disagrees. Figures 35 (see "Relay Device" (610)) and 69 (see "Sender" and "Receiver") of Jinzaki clearly illustrate plural relay devices. There is no teaching or suggestion that any one of

the devices illustrated in Jinzaki relay plural connections as new relay connections. Therefore, Jinzaki fails to teach or suggest the claimed “relaying.”

Still further, claim 1 recites, *inter alia*, “determining a total transmission rate of said first and second relay connections based on the first and second transmission rates.” However, Jinzaki neither teaches nor suggests the claimed “determining.” This is because Jinzaki does not disclose calculating a total transmission rate of second connections based on transmission rates of terminated first connections. At best, Jinzaki only discloses transmitting data between relay devices at a transmission rate based packet reception at the receiving side. *See* Jinzaki, col. 35, ll. 1-7. There is absolutely no teaching or suggestion that a “total transmission rate” for plural connections is calculated. Further, there is no teaching or suggestion that the transmission rate in Jinzaki is calculated based on transmission rates for other connections.

To the extent the Examiner’s position (*see* Office Action, p. 2) is based on the assertion that “Jinzaki et al. reference mentions calculating transmission rate in column 28 lines 38-43,” Applicant respectfully submits that Jinzaki simply sets a transmission rate for a single outgoing to connection to a single device based on “mode information” (*see* Jinzaki, col. 28, l. 40), which includes symbols for indicating a transmission mode (*see* Jinzaki, col. 27, ll. 57-59). However, the mode information in Jinzaki does not include a transmission rate for other connections. Therefore, Jinzaki fails to teach or suggest the claimed “determining.”

As a result, Jinzaki fails to teach or suggest all the features of claim 1, and hence claim 1 and its dependent claims would not have been anticipated by Jinzaki for at least these reasons. To the extent independent claims 8, 15, and 33 recite features similar to those discussed above regarding claim 1 and are rejected by the Examiner upon substantially the same rationale, claims 8, 15, 33, and their dependent claims would not have been anticipated by Jinzaki for at least reasons analogous to those discussed above regarding claim 1.

**Applicant respectfully submits that claims 22 and 34 would not have been rendered unpatentable by the combination of Jinzaki and Trebes.** Claim 22 recites, *inter alia*, “a plurality of terminal-side connection termination units that terminate transport layer connections

between a plurality of source terminals and a plurality of destination terminals in the transport layer.”

However, the combination of Jinzaki and Trebes neither teaches nor suggests the claimed “plurality of terminal-side connection termination units.” This is because neither Jinzaki nor Trebes discloses any structure that terminates transport layer connections between plural source and destination devices. As discussed above regarding claim 1, at best, Jinzaki simply discloses relaying data from between devices through relay devices. There is, however, no teaching or suggestion of any structure for terminating plural connections between plural source and destination devices.

To the extent the Examiner’s position (*see* Office Action, p. 9) is based on the assertion that elements 703A, 703B, 704A, and 704B in Figure 31 Jinzaki allegedly teach the “plurality of terminal-side connection termination units,” Applicant respectfully disagrees. Jinzaki discloses that elements 703A, 703B, 704A, and 704B are digital video cameras and digital video decks. *See* Jinzaki, FIG. 31, col. 43, ll. 43-53. A person having ordinary skill in the art would understand that video cameras or digital video decks are not operable to “terminate transport layer connections between a plurality of source terminals and a plurality of destination terminals in the transport layer,” as required by claim 22. Therefore, Jinzaki fails to teach or suggest the claimed “plurality of terminal-side connection termination units.”

Claim 22 also recites, *inter alia*, “an interdevice connection termination unit that terminates a plurality of transport layer connections with a plurality of transport layer relay devices that relay transport layer data between said plurality of terminal-side connection termination units and said interdevice connection termination unit.” Again, as discussed above regarding claim 1, at best, Jinzaki simply discloses relaying data from between devices through relay devices. There is no teaching or suggestion of any structure for terminating plural connections between plural relay devices and plural the claimed “terminal-side connection termination units.”

Further, claim 22 recites, “a transmission rate control unit that determines a total transmission rate of the plurality of relay connections.” However, Jinzaki neither teaches nor

suggests the “transmission rate control unit” since Jinzaki does not disclose calculating a “total transmission rate” for plural connections. To the extent the Examiner’s position (*see* Office Action, p. 9) is based on the assertion that Internet adapter (413) allegedly teaches the claimed “transmission rate control unit,” Applicant respectfully disagrees. The Internet adapter (413) is simply a conventional network adapter for transmitting data over a network. A person having ordinary skill in the art would clearly understand that the adapter (413) does not perform any sort of transmission rate control, and much less determining “a total transmission rate of the plurality of relay connections.”

Trebes is merely cited for teaching a multiplexer and also fails to teach or suggest the features discussed above. Accordingly, even if Jinzaki and Trebes could have somehow been combined, as the Examiner alleges, the combination would still fail to teach or suggest all the features in claim 22. Therefore, claim 22 and its dependent claims would not have been rendered unpatentable by the combination of Jinzaki and Trebes for at least these reasons. To the extent claim 34 recites features similar to those discussed above regarding claim 22, claim 34 also would not have been rendered unpatentable by the combination of Jinzaki and Trebes for at least reasons analogous to those discussed above regarding claim 22.

**Conclusion:** In view of the above, Applicant respectfully submits that claims 1-34 are patentable, and respectfully requests that the objections and rejections of these claims be reconsidered and withdrawn. Reconsideration and allowance of this Application are now believed to be in order, and such actions are hereby solicited.

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**23373**

CUSTOMER NUMBER

Date: September 28, 2009

Respectfully submitted,

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